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THE JFK HEARINGS: A PRELIMINARY CRITIQUE

The conclusion of the House Assassination Committee's hearings into the JFK murder brings us to a moment of review and summary. We of the AIB have tried always to present the most responsible and well-reasoned claims against the Warren Commission's theory of the crime; we understand that the select committee's final views will not be available until the committee's report is published in three or four months, and we will not rush to judge these results. We are preparing a full-dress response to be presented in December when the committee holds its last days of public hearings.

At the same time, the AIB feels it would be inappropriate for these JFK hearings to end without response from the critical community.

Several general observations are in order.

First, the AIB feels that the committee's hearings have made a valuable contribution to public understanding of the JFK case, despite our belief that the committee has presented no real case against Oswald as the lone assassin. We will describe below some of our objections to the case made against Oswald, but we want to say up front that the committee and its staff did a powerful piece of work. They have exterminated certain of the wilder speculations that appear in the critical literature, and this will be as real a relief to the serious critics as to those who weary of hearing sensationalized claims that cannot be backed up. We need hear no more of an umbrella man shooting poison darts, or of a gunman in the bushes, or of three tramps of Dealey Plaza who reappear as the burglars of Watergate.

Second, whatever its final conclusions, AIB credits the committee for taking the work of the critics seriously. The more customary official response, as is well known, is to jeer that anyone silly enough, or mentally sick enough, to think that there are such things as conspiracies at high levels of American government is not worth being heard out. Perhaps it took Watergate and Koreagate and the incredible discoveries about the CIA and Chile and the various assassination plots in which it has been implicated to make people face the fact that

a conspiracy theory of the president's murder is not on its face an absurdity. Indeed, the technical thickness of the case built up -- or to use chief counsel G. Robert Blakey's image, "the great weight of evidence" his staff has assembled -- is already a kind of indication that the critics' objections to the official theory were important and difficult and that they were not posed idly. The committee has acknowledged that the autopsy was mishandled, that the medical evidence is contradictory and confusing, the performance of the investigative agencies dismal, the initiative and sophistication of the Warren Commission inconsiderable, and the suggestion of ties of some kind between Oswald and the world of intelligence operations and Jack Ruby and the world of organized crime profound.

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Were these not questions that would have to be addressed in any murder case, never mind the murder of the president? And was it not altogether appropriate on the critics' part to press the debate, to research, to investigate, to lobby, until finally the government responded? And for the quality of the response, when at last it came, we thank the committee and its staff. They have elevated the level of the national debate.

This much said, "however, we think it is fair to call attention to some of the respects in which the committee's work has not been nearly so impressive.

1. The committee's mandated task -- a task demanded by the people -- was to look at the case again and present all the facts. Perhaps it was inevitable that the lawyers undertaking this task should formulate a viewpoint of their own; but surely that ought not to have led to the kind of orchestration of witnesses and the careful selection of lines of interrogation that have characterized the hearings. Chief counsel Blakey's staff and the committee members examined witnesses as though the hearing were a court trial and the committee a prosecutor. It is fine to be a prosecutor, but to establish the truth would require that there be also a defense attorney: someone to ask the embarrassing question of the technical expert and in general to orchestrate the case for the defense.

There has been nothing of that here, no one to make Oswald's case, no one to remind the on-looking press and the nation that Blakey's case against Oswald looks as good as it does primarily because no one with equal staff, budget and time has had the opportunity to take it in hand, pull open its seams and show the world what it is really made of. Blakey and the committee may at the moment enjoy a certain sense of victory, but their decision to shut down the other side's chances at rebuttal and rejoinder will eventually work against the credibility of their results. Another one-sided trial of an undefended Oswald is not what the people paid \$6 million to see.

2. More particularly, the questioning of almost every witness has been jarringly incomplete and biased. A prime example of this was the examination of Dr. James J. Humes, the chief surgeon at the president's autopsy.

Humes, recall, is the man who probed the president's wounds,



removed his brain, stayed with his body throughout the autopsy and the preparation of the body for burial, working from 7:30 in the evening until 5:00 in the morning. He has unique knowledge bearing on several major points of controversy in the medical area. He could have told us why it took him 15 years to be convinced that the shot to the head struck Kennedy in the cowlick area rather than in the external occipital protuberance where the two other autopsy surgeons, Dr. Pierre Finck and Dr. J. Thornton Boswell, still locate it to this day. Apparently Humes changed his mind about this only at the last moment, since medical panel chairman Dr. Michael Baden still thought Humes dissented from his panel's findings as late as the day the two of them testified.

More importantly, Humes could have told us why he did not dissect the wounds in the president's neck and back to see if they were connected by the path of a single bullet. Blakey told the committee in one of his narrations that Humes himself made the decision not to dissect. But Humes's co-surgeon at the autopsy, Dr. Finck, testified under oath that it was a military officer present in the autopsy room who ordered the surgeons not to carry out this important task. Why could this matter not have been fully addressed in the public hearing?

Furthermore, Humes told the committee that his autopsy report was a verbatim copy of the bloodstained notes he prepared in the autopsy room. Yet it is known that Humes and the other Bethesda surgeons were not aware of the president's neck wound (virtually obscured by the tracheostomy performed in Dallas) until Humes was told about it on Saturday morning in a phone conversation with Dr. Malcolm Perry of the Dallas-Parkland group. How could Humes's "verbatim copy" of the bloodstained notes contain a reference to the neckwound if the bloodstained notes were drafted before Humes knew about it?

3. The committee also failed conspicuously to confront the question of the missing medical evidence.

To explain the shocking, almost macabre fact that the president's brain has for years been missing from its place in the National Archives, Blakey speculated (we thought lamely) that Robert Kennedy must somehow have acquired the brain and destroyed it. But Blakey offered not a wisp of evidence to support this remarkable allegation.

In the first place, if (as Blakey suggested) the purpose of the alleged theft of the brain was to keep painful pictures of it from circulating, then why did the Kennedys not also steal or destroy the balance of the autopsy photos, photos evidently so painful to look at that Chairman Louis Stokes must assure us that we "would not want to see them"?

In the second place, if this was the motive for the brain's removal, then what was the motive for the removal also of certain microscopic tissue slides? There is nothing lurid about these, and along with the brain itself they would help clear up the controversy about the wounds. Also missing are autopsy photos of the president's chest cavity. These photos might settle the question of whether the bullet that hit the



president from the back exited from his throat, a question that lies at the very crux of the debate.

But we do not have the photos or the tissue slides. Blakey omitted all reference to them. But that silence will not make the question go away. Until the committee has shown that their disappearance is innocuous, and as long as only 3 out of 14 existing x-rays can be proved authentic, how can the committee expect people to accept its medical findings as conclusive?

4. The committee heard an acoustical expert, Dr. James Barger of Bolt, Berenek and Newman testify that his firm's highly sophisticated examination of a police tape of the shooting indicated that four shots were fired, not the three that the Warren Commission found, and furthermore: (a) that the timing of the shots makes it highly unlikely if not impossible that two of the shots, the second and the fourth, could have been fired by the same Mannlicher-Carcano rifle that fired the first and the third; and (b) that one of the shots appears to come from the grassy knoll in front of the president, just as many witnesses have long contended.

The committee's treatment of Dr. Barger's testimony was as unthoughtful as its treatment of Dr. Humes. Barger presented in a very careful way the results of an ingeniously designed on-site experiment in which actual rifle fire in Dealey Plaza was compared with the "impulses" electronically detectable on the police tape. The committee and its staff merely brushed these results aside. They did this by making Barger seem to say that the third of the four apparent shots, the shot from the front, could just as well have been a "false alarm." The fact is that the correlations Barger's test discovered for the knoll shot were fully as strong as the correlations for the other three.

5. For all the time and energy the committee devoted to clearing up specious and irrelevant arguments which no serious critics maintained to begin with, it is amazing to us that they refused to carry out ballistics tests to determine whether or not it is physically possible for a bullet to cause the damage the committee's single-bullet theory associates with it and undergo as little deformation as bullet CE399. The committee has not been asked to prove that such a result is probable, only to show that it is not impossible. But that requires tests of a hard empirical nature, and in the absence of such tests, no amount of "expert" testimony to the contrary will satisfy common sense that CE399 did what the lone-gunner theorists insist it did.

Many other areas as well call for extended critique, but as we said at the top, we intend to prepare our full critique carefully and will present it at the outset of the December hearings. For the moment, we mean only to put the committee and the press on notice that the critical community, while it is respectful of the work of the committee and its staff, does not in the least regard the case as having been closed. On the contrary, we can promise now to show in December that the evidence developed and displayed by the committee, properly analyzed and interpreted, makes the case for conspiracy stronger and more urgent than ever.

